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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,094

12/09/2005

Hans Lindell

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30593 7590 11/15/2007  
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EXAMINER

TORRES, ALICIA M

ART UNIT

PAPER NUMBER

3671

MAIL DATE

DELIVERY MODE

11/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/560,094	<b>Applicant(s)</b> LINDELL, HANS	
	<b>Examiner</b> Alicia M. Torres	<b>Art Unit</b> 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/9/05</u> . | 6) <input type="checkbox"/> Other: _____  |

***Claim Objections***

1. Claims 1, 10 and 11 are objected to because of the following informalities: the phrase "or the like" renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claims unascertainable. Appropriate correction is required.
2. Similarly, claims 1 and 10 are objected to because of the following informalities: the phrase "of the type" renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by "of the type"), thereby rendering the scope of the claims unascertainable. Appropriate correction is required.
3. Claim 8 is objected to because of the following informalities: there is lack of antecedent basis for "the handle portion". Appropriate correction is required.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 7, 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sueshige et al. 4,944,142.

Sueshige et al. discloses a lawnmower (10) wherein the method of use as per claim 11 is inherent, the lawnmower (10) comprising a cutting device (52) connected to a motor (22) for

performing a cutting function, the lawnmower (10) being operated by an operating means (20), wherein the lawnmower (10) has:

a first unit (14) comprising a frame (70) for attaching the cutting device (52) to the motor (22) and having a body or protective cover (68) which at least partially surrounds the cutting device (52);

a second unit (12) having two rotatable wheels (unnumbered, shown in figures 1 and 2) for moving the lawnmower (10) relative to a base;

a wheel frame (16, 18) arranging the wheels and the operating means (20) which is a rod connected to the wheel frame (16, 18); and

an insulator (78, see column 3, lines 58, 59) arranged to partially mutually connect the first (14) and second (12) units to reduce any vibrations between the units (14, 12).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sueshige et al. in view of Driggers 4,825,548.

The device is disclosed as applied above. However, Sueshige et al. fails to disclose the operating means being divided into two pieces in its longitudinal direction which are connected

at least partially by a damping element to reduce any vibrations from the second unit to the handle portion of the operating means.

Driggers discloses a similar lawn maintenance device wherein the operating means (30) is divided into two pieces (16, 36) in its longitudinal direction which are connected at least partially by a damping element (40) to reduce any vibrations from the second unit (16) to the handle portion (36) of the operating means (30).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the handle damping element disclosed by Driggers on the device of Sueshige et al. in order to prevent numbing sensations to an operator during use.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sueshige et al. in view of Scanland 4,422,283, as cited by the applicant.

The device is disclosed as applied above. However, Sueshige et al. fails to disclose wherein the operating means is L-shaped with a first end having the handle portion and a second end to be connected to the wheels of the lawnmower.

Scanland discloses a similar lawn mower (10) including an L-shaped operating means (62) with a first end having a handle portion (at 62) and a second end (30, 31) to be connected to the wheels (54, 59, 68, 69) of the lawnmower (10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the L-shaped handle of Scanland on the mower of Sueshige et al. in order that forces developed in the handle while guiding the mower are transferred to the

second ends and then directly to the wheels so that the housing is not stressed upon manipulation of the handle, thereby allowing the housing to be stamped from lighter weight sheet metal.

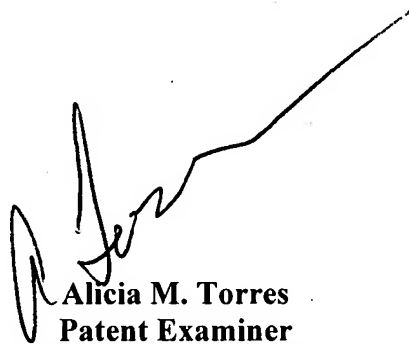
***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 571-272-6997. The examiner can normally be reached Monday through Friday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 571-272-6998.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 571-272-3600. The fax number for this Group is 571-273-8300.



Alicia M. Torres  
Patent Examiner  
Group Art Unit 3671

AMT  
November 13, 2007